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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,613	08/06/2007	Arthur H. Bunn	27726-98311	4042

23644 7590 02/17/2011
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EXAMINER	
TRAN, THIEN S	
ART UNIT	PAPER NUMBER
3742	

NOTIFICATION DATE	DELIVERY MODE
02/17/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/521,613	BUNN, ARTHUR H.	
	Examiner	Art Unit	
	THIEN TRAN	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 November 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 11-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 11-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-3, 11, 13, 15-24, 27-31 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart (US Patent 6,089,409) in view of Wing-Chung (US Patent 5,549,035).

4. Regarding claim 1, Hart teaches a temperature control system for use with a beverage server, the temperature control system (Figs 3 & 4, Item 74, Col 5, Lines 5-10) comprising: a heater (Fig 3, Item 72, Col 4, Lines 60-65) for providing heat to the beverage server; a controller (Figs 3 & 4, Item 74) including a microprocessor (Fig 9, Item 174, Col 8, Lines 4-5) for controlling the temperature of the beverage in the beverage server (Figs 2 & 3, Item 20, Col 3, Lines 27-28 & 44-46); the heater (Fig 3, Item 72) being coupled to the controller (Figs 3 & 4, Item 74, Col 5, Lines 5-10); and a

temperature sensor (Fig 3, Item 76, Col 5, Lines 9-14) and a timer means (Fig 8, Item 74, Col 6, Lines 8-11, programmable timer) for use in controlling the temperature of a beverage retained in the server. Hart discloses the claimed invention except for providing intermittent pulses of heating to heat the beverage.

5. In analogous art of coffee making machines, Wing-Chung discloses providing intermittent pulses of heating to heat the beverage (Col 4, Lines 23-34) for the purpose keeping the beverage in the container warm at the end of the brewing cycle (Col 4, Lines 13-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart with the method of operating the temperature control system of Wing-Chung for the purpose of keeping the beverage in the container warm at the end of the brewing cycle.

6. Regarding claim 2, Hart teaches further comprising the heater (Fig 3, Item 72, Col 4, Lines 60-65) being an active (Fig 3, Item 76, Col 5, Lines 9-14) controllable (Figs 3 & 4, Item 74, Col 5, Lines 5-10) energizable heating device (Fig 3, Item 72).

7. Regarding claim 3, Hart teaches further comprising the beverage server (Figs 2 & 3, Item 20) including a housing (Figs 2 & 3, Item 38, Col 3, Lines 45-50) defining a chamber and an insulated (Fig 3, Item 40, Col 3, Lines 45-50) reservoir (Fig 3, Item 30, Col 3, Lines 10-15) defining a cavity, the reservoir being retained in the chamber of the server housing (Col 3, Lines 10-15).

8. Regarding claim 11, Hart teaches further comprising programming temperature control information (Col 5, Lines 23-26) into the controller (Fig 9, Item 174, Col 8, Lines 4-9).

9. Regarding claim 13, Hart teaches the temperature control system (Figs 3 & 4, Items 20 & 74, Col 3, Lines 27-28 & Col 5, Lines 5-10) being carried on the beverage maker (Fig 1, Item 22, Col 3, Lines 10-15) for controlling (Figs 3 & 4, Item 74) temperature of liquid dispensed by the beverage maker (Fig 1, Item 22) into the beverage server (Fig 1, Item 20).

10. Regarding claim 15, Hart teaches the temperature control system (Figs 3 & 4, Item 74, Col 5, Lines 5-10) being carried on the beverage server (Figs 2 & 3, Item 20, Col 3, Lines 27-28 & 44-46) for controlling (Figs 3 & 4, Item 74) temperature of liquid retained in the beverage server (Fig 1, Item 20).

11. Regarding claim 16, Hart teaches a method of controlling the temperature of a beverage in a beverage dispenser, the method comprising the steps of providing a beverage dispenser (Figs 2 & 3, Item 20, Col 3, Lines 27-28 & 44-46); providing a heater (Fig 3, Item 72, Col 4, Lines 60-65) associated with the beverage dispenser; providing a temperature control system (Figs 3 & 4, Item 74, Col 5, Lines 5-10) coupled to the heater associated with the beverage dispenser for controllably providing heat to beverage contained in the beverage dispenser (Col 5, Lines 19-22); dispensing beverage into the beverage dispenser (Col 4, Lines 19-27). Hart discloses the claimed invention except for operating the temperature control system to activate and deactivate the heater for controllable providing heat to the beverage retained in the beverage dispenser by providing controlled intermittent timed pulses of heat between brew cycle activations; and controlling at least one of the following temperature characteristics in the temperature control system, preheating a surface of the beverage dispenser which

contacts the liquid retained therein, maintaining heating of the heater for a predetermined period of time, alternately activating and deactivating the heater over a predetermined period of time.

12. In analogous art of coffee making machines, Wing-Chung discloses providing operating the temperature control system (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) to activate and deactivate the heater (Fig 1, Item 14, Col 4, Lines 23-34) for controllable providing heat to the beverage (Fig 4, Col 4, Lines 25-34) retained in the beverage dispenser (Fig 1, Col 2, Lines 34-41) by providing controlled intermittent timed pulses of heat between brew cycle activations (Col 4, Lines 13-21); and controlling at least one of the following temperature characteristics in the temperature control system, preheating (Col 1, Lines 43-47) a surface of the beverage dispenser (Fig 2, Item 22, Col 2, Lines 52-55) which contacts the liquid retained therein, maintaining heating of the heater for a predetermined period of time (Col 2, Lines 1-12, keep warm feature), alternately activating and deactivating the heater over a predetermined period of time (Col 4, Lines 13-21) for the purpose keeping the beverage in the container warm at the end of the brewing cycle (Col 4, Lines 13-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart with the method of operating the temperature control system of Wing-Chung for the purpose of keeping the beverage in the container warm at the end of the brewing cycle.

13. Regarding claim 17, Hart teaches preheating the surface of the beverage dispenser (Fig 3, Item 30) which contacts the beverage disposed in the beverage

dispenser prior to dispensing beverage into the beverage dispenser (Col 5, Lines 55-63).

14. Regarding claim 18, Hart discloses the claimed invention except for continuing to preheat the surface of the beverage dispenser until at least a predetermined temperature is achieved for dispensing beverage into the beverage dispenser. In analogous art of coffee making machines, Wing-Chung discloses continuing to preheat (Col 1, Lines 43-47) the surface of the beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41) until at least a predetermined temperature is achieved (Col 3, Lines 35-43, temperature of 98° C) for dispensing beverage (Col 2, Lines 34-41, coffee) into the beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41) for the purpose of slowing down the rate at which the beverage heats up (Col 3, Lines 44-46). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart with the preheating of Wing-Chung for the purpose of slowing down the rate at which the beverage heats up.

15. Regarding claim 19, Hart discloses the claimed invention except for maintaining the heating of the beverage dispenser for at least a portion of the time during which beverage is dispensed into the beverage dispenser. In analogous art of coffee making machines, Wing-Chung discloses heating of the beverage dispenser for at least a portion of the time (Col 4, Lines 25-29) during which beverage (Col 2, Lines 34-41, coffee) is dispensed into the beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41) for the purpose of brewing a beverage (Col 4, Lines 25-26). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings

of Hart with the maintained heating of Wing-Chung for the purpose of brewing a beverage.

16. Regarding claim 20, Hart discloses the claimed invention except for continuing to heat the beverage dispenser throughout a period of time during which beverage is dispensed into the beverage dispenser; and deactivating heating of the beverage dispenser after dispensing of beverage into the dispenser had ceased. In analogous art of coffee making machines, Wing-Chung discloses continuing to heat the beverage dispenser throughout a period of time during which beverage is dispensed into the beverage dispenser (Col 3, Lines 49-60); and deactivating heating of the beverage dispenser after dispensing of beverage into the dispenser had ceased (Col 3, Lines 49-60) for the purpose of providing a normal brewing cycle (Col 3, Lines 36-37). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart with the heating cycle of Wing-Chung for the purpose of providing a normal brewing cycle.

17. Regarding claim 21, Hart teaches calculating a heating time during which heat can be applied to the beverage without significant alteration of the characteristics of the beverage (Col 2, Lines 5-15); and heating the beverage until expiration of the heating time (Col 6, Lines 8-20). Hart discloses the claimed invention except for further comprising the step of defining a dispense period during which a beverage in the dispenser can be dispensed from the dispenser; and terminating heating of the beverage after the expiration of the heating time and before the dispense time. In analogous art of coffee making machines, Wing-Chung discloses defining a dispense

period during which a beverage in the dispenser can be dispensed from the dispenser (Col 3, Lines 49-60); and terminating heating of the beverage after the expiration of the heating time and before the end of the dispense time (Col 4, Lines 20-25) for the purpose of providing a normal brewing cycle (Col 3, Lines 36-37). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart with the heating cycle of Wing-Chung for the purpose of providing a normal brewing cycle.

18. Regarding claim 22, Hart teaches calculating a heating time during which the beverage in the dispenser is heated (Col 2, Lines 5-15). Hart discloses the claimed invention except for further comprising the step of activating the heater to heat the beverage for a period proximate to a start of the heating time; deactivating the heating during the heating time; activating the heater for at least one more time period before expiration of the heating time. In analogous art of coffee making machines, Wing-Chung discloses activating the heater to heat the beverage for a period proximate to a start of the heating time (Col 1, Lines 43-47 & Col 3, Lines 35-44); deactivating the heating during the heating time (Col 1, Lines 43-47 & Col 3, Lines 35-44); activating the heater for at least one more time period before expiration of the heating time (Col 1, Lines 43-47 & Col 3, Lines 35-44) for the purpose of providing a normal brewing cycle (Col 3, Lines 36-37). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart with the heating cycle of Wing-Chung for the purpose of providing a normal brewing cycle.

19. Regarding claim 23, Hart disclose the claimed invention except for further comprising the step of activating the heater for an initial heating period before initiation of each subsequent heating periods, the initial heating period generally being of a duration which is greater than each duration of the subsequent heating period, deactivating the heater after the initial heating period and prior to activation of the heater in subsequent heating periods. In analogous art of coffee making machines, Wing-Chung discloses further comprising the step of activating the heater for an initial heating period before initiation of each subsequent heating periods (Col 1, Lines 43-47 & Col 3, Lines 35-44), the initial heating period generally being of a duration which is greater than each duration of the subsequent heating period (Col 1, Lines 43-47 & Col 3, Lines 35-44), deactivating the heater after the initial heating period and prior to activation of the heater in subsequent heating periods (Col 1, Lines 43-47 & Col 3, Lines 35-44) for the purpose of providing a normal brewing cycle (Col 3, Lines 36-37). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart with the heating cycle of Wing-Chung for the purpose of providing a normal brewing cycle.

20. Regarding claim 24, Hart teaches a beverage system for making, retaining, dispensing and controllably heating a beverage produced by and retained in the system the beverage system comprising: a beverage maker (Fig 1, Item 22, Col 3, Lines 10-15); a beverage dispenser (Figs 1, 2 & 3, Item 20, Col 3, Lines 27-28 & 44-46) operatively associated with a maker for receiving beverage produced by the maker; the beverage dispenser including a reservoir (Fig 3, Item 30, Col 3, Lines 10-15) defining a

cavity for receiving beverage from the maker and retaining the beverage therein (Col 4, Lines 20-24) and a faucet (Figs 1 & 2, Item 34, Col 3, Lines 38-41) for dispensing beverage from the reservoir; and a temperature control system (Figs 3 & 4, Item 74, Col 5, Lines 5-10) operatively associated with at least a dispenser (Figs 1, 2 & 3, Item 20), and a heater (Fig 3, Item 72, Col 4, Lines 60-65) of the temperature control system. Hart discloses the claimed invention except for the heater of the temperature control system being controllably activated and deactivated to control the temperature of the beverage retained in the dispenser by providing controlled intermittent timed heating pulses, the temperature control system receiving information relating to the operation of the heater, the information defining heater activation and deactivation.

21. In analogous art of coffee making machines, Wing-Chung discloses the heater (Fig 1, Item 14, Col 4, Lines 23-34) of the temperature control system (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) being controllably activated and deactivated (Fig 1, Item 14, Col 4, Lines 23-34) to control the temperature of the beverage retained in the dispenser (Figs 1, 2 & 3, Item 20) by providing controlled intermittent timed heating pulses (Col 4, Lines 23-34), the temperature control system receiving information relating to the operation of the heater, the information defining heater activation and deactivation (Col 1, Lines 43-47 & Col 4, Lines 25-34) for the purpose keeping the beverage in the container warm at the end of the brewing cycle (Col 4, Lines 13-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of

Hart with the method of operating the temperature control system of Wing-Chung for the purpose of keeping the beverage in the container warm at the end of the brewing cycle.

22. Regarding claim 27, Hart teaches further comprising the dispenser being a thermally insulated (Fig 3, Item 40, Col 3, Lines 48-53) beverage server (Figs 1, 2 & 3, Item 20).

23. Regarding claim 28, Hart teaches further comprising the heater (Fig 3, Item 72, Col 4, Lines 60-67) being carried on the dispenser (Fig 3, Item 20, Col 3, Lines 44-46).

24. Regarding claim 29, Hart teaches further comprising the temperature control system (Fig 3, Items 72, 74 & 76, Col 5, Lines 5-10) being carried on the dispenser (Fig 3, Item 20, Col 3, Lines 44-46).

25. Regarding claim 30, Hart discloses the claimed invention except for the beverage dispenser being a non-insulated server. In analogous art of coffee making machines, Wing-Chung discloses the beverage dispenser being a non-insulated server (Fig 1, Item 13, Col 2, Lines 34-41) for the purpose of forming a beverage container (Col 2, Lines 34-41). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute the teachings of Hart with the beverage dispenser material of Wing-Chung for the purpose of forming a beverage container.

26. Regarding claim 31, Hart teaches further comprising the heater (Fig 3, Item 72, Col 4, Lines 60-65) being positioned on the beverage maker (Fig 1, Item 22, Col 3, Lines 10-15) for providing controllable heating of the server (Figs 1, 2 & 3, Item 20, Col 3, Lines 27-28 & 44-46).

27. Regarding claim 33, Hart discloses the claimed invention except for further comprising the beverage maker including a water delivery system, an ingredient holder selectively coupled to the beverage maker for retaining a quantity of beverage preparation substance therein, water from the water delivery system being dispensed into the ingredient holder for combining water with the beverage. In analogous art of coffee making machines, Wing-Chung discloses further comprising the beverage maker (Fig 1, Col 2, Lines 34-41) including a water delivery system (Fig 1, Item 18, Col 2, Lines 42-48), an ingredient holder selectively couplable (Fig 1, Item 12, Col 2, Lines 34-41) to the beverage maker for retaining a quantity of beverage preparation substance (Col 2, Lines 42-48, coffee grounds) therein, water from the water delivery system being dispensed into the ingredient holder for combining water with the beverage making substance (Col 2, Lines 42-48) to produce a beverage for dispensing into the beverage dispenser (Fig 1, Item 13, Col 2, Lines 34-41) for the purpose of providing a coffee making machine (Col 1, Lines 30-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings Hart with beverage maker structure of Wing-Chung for the purpose of providing a coffee making machine.

28. Regarding claims 34 and 35, Hart teaches further comprising an indicator carried on the beverage maker (Fig 1, Item 93, Col 6, Lines 23-33 & Fig 1, Item 22) and the server (Fig 3, Item 90, Col 6, Lines 8-22 & Fig 3, Item 20) and coupled to the temperature control system, the indicator being activated upon deactivation of the heater (Col 6, Lines 38-52).

29. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart (US Patent 6,089,409) and Wing-Chung (US Patent 5,549,035) as applied to claims 1, 16 & 24, in view of Knepler (US 4,978,833).

30. Regarding claim 4, Hart teaches the heater (Fig 3, Item 72, Col 4, Lines 60-65) being an active (Fig 3, Item 76, Col 5, Lines 9-14) controllable (Figs 3 & 4, Item 74, Col 5, Lines 5-10) energizable heating device (Fig 3, Item 72). Hart and Wing-Chung discloses the claimed invention except for the heating device at least partially extending into the chamber of the beverage server.

31. In analogous art of hot water dispenser having improved water temperature control system, Knepler discloses the heating device (Fig 2, Item 71, Col 5, Lines 38-46) at least partially extending into the chamber (Fig 2, Item 30, Col 5, Lines 38-46) of the beverage server for the purpose of heating the beverage to a predetermined dispensing temperature (Col 5, Lines 38-41). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute the heater position of Hart and Wing-Chung with the heater position of Knepler for the purpose of heating the beverage to a predetermined dispensing temperature.

32. Regarding claim 5, Hart teaches the heater (Fig 3, Item 72, Col 4, Lines 60-65) being an active (Fig 3, Item 76, Col 5, Lines 9-14) controllable (Figs 3 & 4, Item 74, Col 5, Lines 5-10) energizable heating device (Fig 3, Item 72). Hart and Wing-Chung discloses the claimed invention except for the heating device at least partially extending into the chamber of the beverage server and being positioned external to the reservoir.

33. In analogous art of hot water dispenser having improved water temperature control system, Knepler discloses the heating device (Fig 2, Item 71, Col 5, Lines 38-46) at least partially extending into the chamber (Fig 2, Item 30, Col 5, Lines 38-46) of the beverage server and being positioned external (Fig 2, Item 72, Col 5, Lines 46-50) to the reservoir (Fig 2, Item 30) for the purpose of heating the beverage to a predetermined dispensing temperature (Col 5, Lines 38-41). It would have been obvious to one having ordinary skill in the art at the time of the invention to substitute the heater position of Hart and Wing-Chung with the heater position of Knepler for the purpose of heating the beverage to a predetermined dispensing temperature.

34. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart (US Patent 6,089,409), Wing-Chung (US Patent 5,549,035) and Knepler (US 4,978,833) as applied to claims 1 & 4, in view of Carpiac (US Patent 4,470,999).

35. Regarding claim 6, Hart teaches the heater (Fig 3, Item 72, Col 4, Lines 60-65) being an active (Fig 3, Item 76, Col 5, Lines 9-14) controllable (Figs 3 & 4, Item 74, Col 5, Lines 5-10) energizable heating device (Fig 3, Item 72). Hart, Wing-Chung and Knepler discloses the claimed invention except for the heating device is at least partially extending into the chamber of the server housing and at least partially extending into the cavity of the reservoir.

36. In analogous art of high speed, high volume coffee making apparatus and method, Carpiac discloses the heating device (Fig 1, Items 58 & 60, Col 4, Lines 45-48) is at least partially extending into the chamber (Fig 1, Item 10, Col 3, Lines 60-62) of the server housing and at least partially extending into the cavity of the reservoir (Fig 1,

Item 14, Col 4, Lines 45-51) for the purpose of heating the concentrate (Col 4, Lines 45-51). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart, Wing-Chung and Knepler with the heater location of Carpiac for the benefit of heating the concentrate.

37. Regarding claim 7, Hart teaches the heater (Fig 3, Item 72, Col 4, Lines 60-65) being an active (Fig 3, Item 76, Col 5, Lines 9-14) controllable (Figs 3 & 4, Item 74, Col 5, Lines 5-10) energizable heating device (Fig 3, Item 72). Hart, Wing-Chung and Knepler discloses the claimed invention except for the heating device is positioned external to the server housing.

38. In analogous art of high speed, high volume coffee making apparatus and method, Carpiac discloses the heating device (Fig 1, Items 58 & 60, Col 4, Lines 45-48) is positioned external to the server housing (Fig 1, Item 10, Col 3, Lines 60-62) for the purpose of heating the concentrate (Col 4, Lines 45-51). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart, Wing-Chung and Knepler with the heater location of Carpiac for the benefit of heating the concentrate.

39. Claims 12, 25 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart (US Patent 6,089,409) and Wing-Chung (US Patent 5,549,035) as applied to claims 1, 11 & 23-25, in view of Lassota (US 2002/0083840).

40. Regarding claim 12, Hart and Wing-Chung discloses the claimed invention except for further comprising memory coupled with the controller for saving a plurality of temperature control information. In analogous art of self-heating hot beverage serving

urn and method, Lassota discloses further comprising memory (Pg 2, 0030, data memory) coupled with the controller (Fig 1, Item 29, Pg 2, 0030) for saving a plurality of temperature control information (Pg 2, 0030) for the benefit of storing programmable parameter information and sensory input data (Pg 2, 0030). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart and Wing-Chung with the memory of Lassota for the benefit of storing programmable parameter information and sensory input data.

41. Regarding claim 25, Hart and Wing-Chung discloses the claimed invention except for further comprising the temperature control system including memory for at least one set of information relating to heater activation and deactivation periods. In analogous art of self-heating hot beverage serving urn and method, Lassota discloses further comprising the temperature control system (Fig 1, Item 29, Pg 2, 0030) including memory (Pg 2, 0030, data memory) for at least one set of information relating to heater activation and deactivation periods for the benefit of storing programmable parameter information and sensory input data (Pg 2, 0030). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart and Wing-Chung with the memory of Lassota for the benefit of storing programmable parameter information and sensory input data.

42. Regarding claim 36, Hart discloses the claimed invention except for further comprising a plurality of information relating to heater activation and deactivation at least one set of information relating to different temperature levels as well as activation and deactivation periods. In analogous art of coffee making machines, Wing-Chung

discloses further comprising a plurality of information relating to heater activation and deactivation (Col 1, Lines 43-47 & Col 3, Lines 35-44) at least one set of information relating to different temperature levels (Fig 1, Item 100, Col 3, Lines 1-7) as well as activation and deactivation periods (Col 3, Lines 35-44) for the purpose keeping the beverage in the container warm at the end of the brewing cycle (Col 4, Lines 13-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart with the method of operating the temperature control system of Wing-Chung for the purpose of keeping the beverage in the container warm at the end of the brewing cycle..

43. Claims 14, 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart (US Patent 6,089,409) and Wing-Chung (US Patent 5,549,035) as applied to claims 1 & 24, in view of Lassota (US Patent 6,543,335)

44. Regarding claim 14, Hart teaches a temperature control system (Figs 3 & 4, Item 74, Col 5, Lines 5-10) for controlling (Figs 3 & 4, Item 74) the temperature of beverages contained in the server (Figs 2 & 3, Item 20). Hart and Wing-Chung discloses the claimed invention except for the temperature control system being carried on the remote dispensing system. In analogous art of brewing system with electrical controller and method, Lassota discloses the temperature control system (Figs 6A & 6B, Item 158, Col 10, Lines 22-27) being carried on the remote dispensing system (Fig 1A, Items 30A & 30B, Col 10, Lines 1-10) for the benefit of forming a brewer that is self-contained (Col 9, Lines 59-62). It would have been obvious to one having ordinary skill in the art at the

time of the invention to combine the teachings of Hart and Wing-Chung with the control system location of Lassota for the benefit of forming a brewer that is self-contained.

45. Regarding claim 26, Wing-Chung discloses providing at least one of power and temperature control (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) to the dispenser (Fig 1, Item 13, Col 2, Lines 34-41) for controlling the temperature (Fig 1, Item 17, Col 3, Lines 1-5 & Abstract, Lines 1-7) of the beverage (Col 2, Lines 34-41, coffee) retained in the dispenser (Fig 1, Item 13, Col 2, Lines 34-41). Hart and Wing-Chung discloses the claimed invention except for further comprising a remote dispensing station, the remote dispensing station being separate from the beverage maker and receiving the dispenser thereon. In analogous art of brewing system with electrical controller and method, Lassota discloses further comprising a remote dispensing station (Fig 1A, Items 30A & 30B, Col 10, Lines 1-10), the remote dispensing station being separate from the beverage maker (Figs 6A & 6B, Item 158, Col 10, Lines 22-27) and receiving the dispenser thereon for the benefit of forming a brewer that is self-contained (Col 9, Lines 59-62). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart and Wing-Chung with the remote dispensing station of Lassota for the benefit of forming a brewer that is self-contained.

46. Regarding claim 32, Hart teaches further comprising a dispensing station (Fig 3, Item 20, Col 3, Lines 44-46), the heater (Fig 3, Item 72, Col 4, Lines 60-67) being positioned at the dispensing station (Fig 3, Item 20) for heating the server, the temperature control system (Fig 3, Items 72, 74 & 76, Col 5, Lines 5-10) being carried

on the dispenser station (Fig 3, Item 20, Col 3, Lines 44-46). Hart discloses the claimed invention except for the temperature control station being carried on the remote dispenser station for controllable activating and deactivating the heater.

47. In analogous art of coffee making machines, Wing-Chung discloses the temperature control system (Fig 2, Item 100, Col 2, Lines 61-63 & Fig 1, Item 17, Col 2, Lines 34-41 & Col 3, Lines 1-5 & Abstract, Lines 1-7) for controllable activating and deactivating the heater (Fig 1, Item 14, Col 4, Lines 23-34) for the purpose keeping the beverage in the container warm at the end of the brewing cycle (Col 4, Lines 13-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart with the method of operating the temperature control system of Wing-Chung for the purpose of keeping the beverage in the container warm at the end of the brewing cycle.

48. In analogous art of brewing system with electrical controller and method, Lassota discloses the temperature control system (Figs 6A & 6B, Item 158, Col 10, Lines 22-27) being carried on a remote dispensing station (Fig 1A, Items 30A & 30B, Col 10, Lines 1-10) for the benefit of forming a brewer that is self-contained (Col 9, Lines 59-62). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart and Wing-Chung with the remote dispensing station of Lassota for the benefit of forming a brewer that is self-contained.

Response to Amendment

49. Claims 1, 16 and 24 have been amended.

50. Claims 8-10 and 37-49 are cancelled.

51. Claims 1-7 and 11-36 are pending.

Response to Arguments

52. Applicant's arguments, see Remarks, filed 11/11/2010, with respect to claims 1-7 and 11-36 have been considered but are moot in view of the new ground(s) of rejection.

53. Regarding the Remarks on page 9 about claim 1 and "Wing-Chung's heater has no timer and there is no pulsed heating of the beverage" the examiner respectfully disagrees. Claim 1 is rejected in view of Hart and Wing-Chung. Hart teaches the structural limitations of the claim, including a controller that has a timer means (Fig 8, Item 74, Col 6, Lines 8-11, programmable timer). Wing-Chung disclose the providing intermittent pulses of heating to heat the beverage (Col 4, Lines 23-34) for the purpose keeping the beverage in the container warm at the end of the brewing cycle (Col 4, Lines 13-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Hart with the method of operating the temperature control system of Wing-Chung for the purpose of keeping the beverage in the container warm at the end of the brewing cycle.

54. Regarding the Remarks on page 9 about claim 3 and "Wing-Chung not disclosing an insulated reservoir", the examiner agrees. However, claim 3 is rejected in view of Hart and Wing-Chung. Hart teaches an insulated (Fig 3, Item 40, Col 3, Lines 45-50) reservoir (Fig 3, Item 30, Col 3, Lines 10-15).

55. Regarding the Remarks on page 9 about claim 16 and “Wing-Chung not providing timed pulses for heating the beverage”, the examiner respectfully disagrees. Wing-Chung discloses providing timed pulses (Col 4, Lines 23-34) for the purpose keeping the beverage in the container warm at the end of the brewing cycle (Col 4, Lines 13-15).

56. Regarding the Remarks on page 9 about claim 24 and "Wing-Chung not disclosing a faucet and not having timed pulses for heating the brewed beverage", the examiner respectfully disagrees. Claim 24 is rejected in view of Hart and Wing-Chung, Hart teaches a faucet (Figs 1 & 2, Item 34, Col 3, Lines 38-41). Wing-Chung discloses having timed pulses for heating the brewed beverage (Col 4, Lines 23-34) for the purpose keeping the beverage in the container warm at the end of the brewing cycle (Col 4, Lines 13-15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIEN TRAN whose telephone number is (571)270-7745. The examiner can normally be reached on Mon-Thurs, 8-5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/THIEN TRAN/
Examiner, Art Unit 3742
2/2/2011

/M. Alexandra Elve/
Primary Examiner, Art Unit 3742